Supreme Court, U. S.
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IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1978

NO. 78-501

FRANK KOROS AND KATHERINE KOROS,

Petitioners,

versus

CREDIT BUREAU, INC. OF GEORGIA
d/b/a CREDIT BUREAU OF ATLANTA,
RETAIL CREDIT COMPANY, and THE
FIRST NATIONAL BANK OF ATLANTA,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Frank Koros
Katherine Koros
2819 Shady Valley Dr., N.E.
Atlanta, Georgia 30324
Petitioners

TO: THE SUPREME COURT OF THE UNITED STATES

Frank and Katherine Koros respectfully request the Supreme Court of the United States to forgive them for representing themselves in their case. Loss of business and livelihood make them unable to afford the attorneys' high fees and force them to bring their case to this Court.

Plaintiffs also respectfully request the Supreme Court to overlook their erroneous language and/or the rules since they are naturalized citizens.

Respectfully,

Frank Koros

Frank Koros

Katherine Koros

Katherine Koros

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UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

The petitioners, Frank Koros and Katherine Koros of Atlanta, Georgia, pray that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The opinion of the United States District Court for the Northern District of Georgia (Atlanta Division in Civil Action Number C75-755A, July 29, 1978) ruled against Plaintiffs with a Summary Judgment without a trial or even a hearing.

On November 1, 1977 the District Court denied Plaintiffs' Motion for Reconsideration and for partial Summary Judgment. The opinion of the United States Court of Appeals, Fifth Circuit, is reported as Case No. 78-1031 in a Per Curiam opinion dated July 7, 1977. The Court of Appeals denied the appeals with Summary Calendar. No order was published setting for the reasons why the Fifth Circuit decided to uphold Judge Edenfield's order.

JURISDICTION

The decision of the United States Court of Appeals for the Fifth Circuit was announced on July 7, 1978. In light of the fact that the Fifth Circuit decided this matter on its Summary Calendar no order was published setting forth the reason. There was no basis to file a petition for a rehearing with the Court. This petition for certiorari is timely filed within the delays provided by 28 U.S.C. §2101. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

QUESTIONS PRESENTED

Whether the holding of the Court of Appeals is in error because there was a genuine issue of material fact as to whether or not Credit Bureau, Inc. of Georgia d/b/a Credit Bureau of Atlanta and Retail Credit Company, clearly and accurately disclosed to Plaintiffs the nature and substance of all information contained in Plaintiffs' consumer credit file as required by Section 609(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681(g)(a)(1).

Whether the holding of the Court of Appeals is in error because there was a genuine issue of material fact as to whether or not Credit Bureau, Inc. of Georgia d/b/a Credit Bureau of Atlanta and Retail Credit Company failed to delete inaccurate credit information from Plaintiffs' consumer credit file after said inaccuracies were brought to these Defendants' attention, and disputed as required by Section 611 of the Fair Credit Reporting Act 15 U.S.C. §1681(1).

FEDERAL STATUTES

Fair Credit Reporting Act (Public Law 91-508, 84 Stat. 1127-1136, 15 U.S.C. 1601, et seq.) is Title VI of the Consumer Credit Protection Act of 1968; it was enacted October 26, 1970 and is effective April 25, 1971.

SECTION 602(a)(4)
The Fair Credit Reporting Act is the

first federal regulation of the consumer reporting industry. Its basic purpose is to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and respect for the consumer's right to privacy.

SECTION 609 (a)(1) 15 U.S.C. §1681

Any consumer who offers proper identification to a consumer reporting agency and requests disclosure of what is in the agency's file on him, shall be told clearly and accurately everything that is in his file including sources of the information.

SECTION 611(b) 15 U.S.C. §1681 F.C.R.A.

If a consumer questions the accuracy or believes more should be said about an item of information in the credit reporting agency's file, the agency is required within a reasonable period of time to reinvestigate that information and record. If, after reinvestigation, the information is found to be inaccurate, the agency shall promptly delete it from its files. If it cannot be reverified, it must be deleted.

SECTION 616 & 617 15 U.S.C. §1681 (n) & (o)

The private enforcement provision of the Fair Credit Reporting Act permit the consumer to bring civil suit for wilfull noncompliance with the Act with no ceiling on the amount of punitive damages (§616). The consumer may also sue for negligent noncompliance for actual damages sustained by him (§617).

STATEMENT OF THE CASE

This suit was brought by Frank and Katherine Koros on April 21, 1975 against Credit Bureau, Inc. of Georgia d/b/a Credit Bureau of Atlanta (hereinafter referred to as CBI). The suit claims damages as a result of violations of the Fair Credit Reporting Act, 15 U.S.C. §§1681, et seq. Subsequent to filing suit, Plaintiffs discovered that both Retail Credit Company and The First National Bank of Atlanta had also committed violations of the Fair Credit Reporting Act and had libeled Plaintiffs. Upon motion of Plaintiffs, both Retail Credit Company and The First National Bank of Atlanta were added as party defendants, and Plaintiffs amended their Complaint accordingly on October 22, 1975.

All defendants answered and denied that they were guilty of any violations of the Fair Credit Reporting Act or had libeled Plaintiffs. After extensive discovery, all three Defendants moved for Summary Judgment.

The Court entered a judgment granting Defendant, The First National Bank of Atlanta's Motion for Summary Judgment on September 15, 1976. On July 29, 1977 the Court granted CBI's and Retail Credit Company's Motions for Summary Judgment on the grounds that these Defendants did not violate the Fair Credit Reporting Act. In its order the Court addressed the issue raised by these Defendants in respect to their potential defense of the Statute of Limitations and Defendants' waiver of said

defense. The Court admitted in its order that it should apply the rule of Funding Systems Leasing Corp. v. Pugh, 530 F2d 91, 96 (5th Cir. 1976), regarding waiver and strking said Statute of Limitations defense but found it unnecessary to actually pass upon the question. Plaintiffs filed a Motion for Reconsideration which was denied on November 1, 1977.

Plaintiffs, within the time extended by the Honorable Newell Edenfield, filed their Notice of Appeal on December 27, 1977. The United States Court of Appeals, Fifth Circuit, denied the appeal on July 7, 1978 with Summary Calendar. No order was published setting forth the reason.

STATEMENT OF THE FACTS

In 1963, Plaintiffs Frank and Katherine Koros, as partners, began operating a couturier business from their home at 2819 Shady Valley Drive, N.E., Atlanta, Georgia. Their business as European designers was very successful till 1967. After that, their business started to decline to zero, and they did not know why.

In 1966 Frank Koros became a partner in an invention, Pat. No. 3,389,003, and got the executive power for marketing this invention. He was unable to utilize it in Atlanta. In 1970 Frank Koros made the test of that invention at the Penn State University. The result of the test was good in the beginning, then suddenly everything went wrong.

As naturalized citizens, Frank Koros and Katherine Koros had no knowledge about the existence of the reporting agencies in this country.

In 1971 Plaintiffs read an article about Public Law 91-508 about reporting agencies. That law became effective on April 25, 1971. After being refused credit from 1967 to 1973, and unable to survive, Frank Koros was desperate to find out what was in his consumer credit file. The next day he asked one of his friends to go with him to Retail Credit Company headquarters. Retail Credit Company told Frank Koros that they did not have any record on Frank Koros.

Plaintiff managed to get a credit report from another party in June, 1971. After receiving said credit report Frank Koros went to the Federal Trade Commission and showed them the credit report. It showed an "I-9" credit rating, "bad debt, placed for collection, suit, judgment, bankruptcy, and skip..." The Federal Trade Commission arranged a meeting for a consumer interview with Retail Credit Company.

In September, 1967 Plaintiffs' credit file maintained by Credit Bureau, Inc. contained a report from Mathis Dairy that Plaintiffs had an I-9 account with Mathis Dairy with an unpaid balance of $235.00. In fact, the Mathis Dairy account was that of one "Mrs. Frankie Korras" and not the Plaintiffs'. The reported balance was $35.16.

After receiving information that adverse credit information was being maintained against Mr. Koros in the files of Retail Credit Company and Credit Bureau, Inc., Mr. Koros visited the headquarter offices of Retail Credit Company in Atlanta, Georgia for a consumer interview. This interview was conducted on July 20, 1971 by a Mr. A. Lee Lester, a staff attorney, employed by Retail Credit Company and Credit Bureau, Inc.

At this interview, Mr. Lester discussed with Mr. Koros his consumer credit file. During the course of the discussion, Mr. Koros asked Mr. Lester whether or not the words, "bad debt; placed for collection; suit; judgment; bankruptcy; or skipped..." appeared in his consumer credit file at that time. Mr. Lester told him that these words did not appear. Mr. Lester also said, "Why don't you sue us, Mr. Koros? But I must warn you Retail Credit Company is a very powerful company..."

Mr. Koros asked Mr. Lester whether or not the aforementioned words were contained in his consumer credit file because he had learned from another party that adverse, erroneous credit information was contained in the said file.

The existence of the erroneous Mathis Dairy account in the Credit Bureau, Inc.'s consumer credit file on Plaintiffs was not disclosed to Mr. Koros by Mr. Lester at this meeting on July 20, 1971. Mr. Lester only mumbled something about an unsatisfactory bill. The Mathis Dairy bill was verified to Mr. Koros by Mr. Ike Dent, an employee

of Credit Bureau, Inc., a year later in the summer of 1972.

Credit Bureau, Inc. alleges that they deleted the aforementioned erroneous item at a time before July 26, 1972. In fact, this erroneous information was contained in the Koros' consumer credit file maintained by Credit Bureau, Inc. as late as 1973.

The aforementioned contention is first supported by the fact that Credit Bureau, Inc. admits that they provided a consumer credit report on the Koros' to Mathis Dairy on July 26, 1972. However, they admit that it was not until February of 1974 that information was added to or deleted from the Koros' file in regard to the Mathis Dairy matter. This occurred as a result of the information received from Mathis Dairy in February, 1974.

Subsequent to the alleged deletion, Plaintiffs were again refused credit in 1973 based on credit reports submitted by Credit Bureau, Inc.

STATEMENT OF MATERIAL FACTS

Mathis Dairy notified Credit Bureau of a bad debt in the summer of 1967 involving a Mrs. Frankie Korras, High Tower Trail, Conyers, Georgia which showed a balance of $35.16.

Credit Bureau raised that amount to $235.00 and placed the bad debt report from Mathis Dairy on the consumer report

of Frank Koros, 2819 Shady Valley Drive, N.E., Atlanta, Georgia. The Mathis Dairy report was given an I-9 rating on Frank Koros' consumer report. The code I-9, when used to describe an account, means that it is an installment account which involved a bad debt; was placed for collection; suit; judgment; bankruptcy; or skip..."

There is no record that a lawsuit was ever filed against Mrs. Frankie Korras for the sum of money owed, nor is there any record of a judgment being entered against Mrs. Frankie Korras, nor is there any evidence that Mrs. Frankie Korras was ever adjudged a bankrupt.

Credit Bureau passed the I-9 credit rating on Frank Koros' credit file to creditors, et cetera, from 1967 until at least 1973. The result of that damaged and humiliated Plaintiffs for many years. The I-9 credit rating and the additional $200.00 added to the Mathis Dairy bill could not be explained.

Plaintiffs contend that these facts alone raise a genuine issue of material fact as to whether or not the erroneous Mathis Dairy information was deleted from the Koros' file "sometime prior to July 26, 1972."

The I-9 credit rating was wilfully placed on Frank Koros' consumer credit file for some reason. Plaintiffs submit that the Defendants have indeed violated Section 607(b) 15 U.S.C. §1681(b) of the F.C.R.A.

BASIS FOR FEDERAL JURISDICTION IN THE FIRST INSTANCE

The jurisdiction of the U. S. District Court for the Northern District of Georgia was based on 28 U.S.C. §1331.

REASON FOR GRANTING THE WRIT

A great injustice has been done to appellants. Their business and credit rating were maliciously destroyed by the appellees, Credit Bureau, Inc. of Georgia d/b/a Credit Bureau of Atlanta and Retail Credit Company. Appellees maliciously entered erroneous information in appellants' credit record and distributed that information even after being notified of the error.

This injustice was denied a jury trial by the U. S. District Court. The U. S. District Court abused its discretion by not giving the appellants their basic right to a full and fair trial, to present the evidence, witnesses, and the facts of the case before a jury. The District Court, without hearing appellants' evidence, and without reading the record, dismissed the suit on Summary Judgment. This denial of a hearing in an American Court of law abridges the most fundamental notions upon which we, as immigrants to the United States of America, believed this country's legal system is based.

The Circuit Court of Appeals was, for this reason, in error in not reversing the District Court's granting of a Summary

Judgment. This is an important public law because any American family could be maliciously destroyed any time with the distributing of false information on their consumer credit files.

We therefore pray that this Court will review this case fully and order that our plea be heard before a jury, and finally bring justice.

CONCLUSION

The Circuit Court of Appeals was in error in not reversing the District Court's granting of a Summary Judgment. There are genuine issues of material fact both as to whether or not the appellees, Credit Bureau, Inc. of Georgia, Credit Bureau of Atlanta, and Retail Credit Bureau negligently or wilfully failed to disclose the nature and substance of the Koros' consumer file clearly and accurately and whether or not the Defendants, Credit Bureau, Inc. and Retail Credit Company failed to delete adverse and erroneous information on the Koros' consumer credit file after being notified of a disputed item.

For these reasons, a Writ of Certiorari should issue to review the judgment of the District Court of Georgia and the United States Court of Appeals for the Fifth Circuit.

Respectfully,

Frank Koros

Frank Koros, Pro Se

Katherine Koros

Katherine Koros,
Pro Se

CERTIFICATE OF SERVICE

This is to certify that we have this day served the foregoing petition for Certiorari on W. Rhett Tanner, Hansell, Post, Brandon & Dorsey, 3300 First National Bank Tower, Atlanta, Georgia 30303, Attorneys for Appellees, Credit Bureau, Inc. of Georgia d/b/a Credit Bureau of Atlanta and Retail Credit Company, by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 25 day of September, 1978.

Frank Koros

Frank Koros, Pro Se

2819 Shady Valley Dr., N.E.
Atlanta, Georgia 30324

Katherine Koros

Katherine Koros, Pro Se

APPENDIX

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FRANK KOROS and KATHERINE KOROS	)	
vs.	)	
CREDIT BUREAU, INC. OF GEORGIA d/b/a CREDIT BUREAU OF ATLANTA: RETAIL CREDIT COMPANY; and THE FIRST NATIONAL BANK OF ATLANTA	)	CIVIL ACTION NO. C75-755A

O R D E R

Plaintiffs brought this action on April 21, 1975 pursuant to 15 U.S.C. § 1681(p) and 28 U.S.C. § 1337, alleging that defendants had violated the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, et seq., and had libeled plaintiffs. Defendant First National Bank's motion for summary judgment was granted on September 13, 1976. The action is now before the court on the remaining defendants' motions to amend their answer and for summary judgment.

Defendants first assert that plaintiffs' claims are barred by the statute of limitations. Plaintiffs counter by arguing that defendants have waived this affirmative defense, Rule 8(c), Fed. R. Civ.P., by failing to plead it in their answer. In response, defendants now move

to amend their answer to assert the affirmative defense.

While there is some disagreement as to when and how an affirmative defense may be raised, see 5 Wright & Miller, Federal Practice and Procedure: Civil § 1277 at 328-29 (1969), the Fifth Circuit Court of Appeals has recently announced its rule that "would allow a defendant to raise an affirmative defense ... by a motion for summary judgment ... but only when the motion for summary judgment is the initial pleading tendered by defendant." Funding Systems Leasing Corp. v. Pugh, 530 F.2d 91, 96 (5th Cir. 1976). In Funding Systems the court held that where a defendant had waived an affirmative defense by failing to plead it in his answer or pretrial order, he could not revive the defense in a memorandum in support of a motion for summary judgment. Id.

The court must express some hesitation in applying this rule where the defense does not appear on the face of the complaint. See 5 Wright & Miller, supra, § 1277 at 334-35. However, in the instant case, plaintiffs alleged in their complaint that "within two years prior to the filing of this action, Plaintiffs discovered that the Defendant has been disseminating inaccurate and false credit information about them, in violation of the Fair Credit Reporting Act." This allegation forms the basis of plaintiffs' action for libel, the statute of limitations for which is one year Ga. Code Ann. § 3-1004. The same allegation seems to anticipate a statute of limitations defense with re-

spect to the Fair Credit Reporting claim, since that Act sets out a two-year limitations period:

> except that where a defendant has materially and willfully misrepresented any information required to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability ..., the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

15 U.S.C. § 1681(p).

Even if defendants were at first unsure as to whether the alleged actionable disclosures were discovered prior to two years before filing the action, they admit that they were relying on a statute of limitations defense as early as July 23, 1975, when they objected to several of plaintiffs' interrogatories (see Credit Bureau's reply brief to plaintiffs' response to the motion to amend). While an answer had already been filed at this time, defendants could have easily moved to amend their answer. Instead, defendants waited almost two years before formally raising the defense in their motion for summary judgment and their belated motions to amend the answers. Accordingly, this court should apply the admittedly strict rule of Funding Systems, and hold that having waived the statute of limitations defense by failing to raise it in a timely answer, defendants cannot revive

the defense in their motions to amend and for summary judgment. However, since this court ultimately finds that the Credit Bureau did not violate the FCRA, it need not finally decide the statute of limitations question.

In response to Credit Bureau's assertion that no violation of the FCRA has occurred, plaintiffs cite an incorrect debt that was maintained in Mr. Koros' file from 1967 until "at least July 26, 1972." Since Sears obtained credit information with regard to Mr. Koros in 1973 and since Sears rejected his application for credit, plaintiffs argue:

> there is a clear basis for the very reasonable inference that the false credit information which defendants admit was on plaintiffs' credit report until July 26, 1972, was still being circulated by defendant as late as October, 1973, a date within the two years immediately preceding the filing of this action.

However, in answers to plaintiff's interrogatories, defendant Credit Bureau shows that the erroneous Mathis Dairy item was deleted from Mr. Koros' file before July 26, 1972. Plaintiffs have failed to dispute this fact with any competent evidence, see Rule 56(e), Fed.R.Civ.P. From the mere rejection by Sears of plaintiffs' application for credit, this court cannot draw the inference suggested by plaintiffs that such rejection was caused by information which defendant shows was deleted

from the file.

Plaintiffs also assert that this inaccurate information was distributed to several companies prior to its deletion. With respect to the disputed accuracy of information in credit files, the FCRA provides that when an agency is notified of a dispute by the consumer, the agency shall reinvestigate the matter within a reasonable time. 15 U.S.C. § 1681(i). Here, plaintiff communicated his dispute over the Mathis item in the Spring of 1972, and upon reinvestigation the item was deleted from Credit Bureau's files before July 26, 1972. The Act further requires that following deletion of disputed material:

> the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted ... to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information.

15 U.S.C. § 1681i(d). In the instant case, plaintiffs have made no showing that any request was made to notify the companies who had received credit reports that information had subsequently been deleted from such reports.

Plaintiffs have, in fact, made no positive showing that Credit Bureau has in any way violated the FCRA, and as such, the motion for summary judgment as to the FCRA claim is hereby GRANTED. Moreover, having found plaintiffs' federal claim to be without merit, the court declines to exercise pendent jurisdiction over the state libel claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966). Defendant Credit Bureau's motion for summary judgment as to this claim is therefore GRANTED.

In its order of March 15, 1976, this court denied a motion for summary judgment submitted by Retail Credit, since there were genuine issues of fact as to Retail Credit's involvement in any wrongful acts committed by Credit Bureau, a wholly-owned subsidiary of Retail Credit. Inasmuch as the court has now found that Credit Bureau did not violate the FCRA, Retail Credit's current motion for summary judgment is hereby GRANTED.

In summary, Credit Bureau's and Retail Credit's motions for summary judgment are hereby GRANTED. The motions to amend are DENIED as moot.

So ORDERED, this 29th day of July, 1977.

/s/
NEWELL EDENFIELD
United States District Judge

Judgment on Decision by the Court

UNITED STATES DISTRICT COURT
For The
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FRANK KOROS AND KATHERINE KOROS	)	CIVIL ACTION FILE NO.C75-755A
vs.	)	
CREDIT BUREAU, INC. OF GEORGIA d/b/a CREDIT BUREAU OF ATLANTA; RETAIL CREDIT COMPANY and THE FIRST NATIONAL BANK OF ATLANTA	)	JUDGMENT

This action came on for consideration before the Court, Honorable Newell Edenfield, United States District Judge, presiding, and the issues having been duly considered and a decision having been duly rendered, defendant's motion for Summary Judgment is granted.

It is Ordered and Adjudged that the plaintiffs, FRANK KOROS and KATHERINE KOROS take nothing, that the action be dismissed and that defendants CREDIT BUREAU, INC. OF GEORGIA d/b/a CREDIT BUREAU OF ATLANTA, RETAIL CREDIT COMPANY and THE FIRST NATIONAL BANK OF ATLANTA, recover of the plaintiffs their costs of action.

(Continued)

Dated at Atlanta, Georgia, this 29th day of July, 1977.

FILED AND ENTERED IN CLERK'S OFFICE, July 29, 1977
BEN H. CARTER, CLERK

BY (Claudia Phillips)
Deputy Clerk

BEN H. CARTER
Clerk of Court

BY (Claudia Phillips)
Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FRANK KOROS and KATHERINE KOROS	)	
	)	CIVIL ACTION
vs.	)	
CREDIT BUREAU, INC. OF GEORGIA d/b/a CREDIT BUREAU OF ATLANTA; RETAIL CREDIT COMPANY and THE FIRST NATIONAL BANK OF ATLANTA	)	NO. C75-755A

O R D E R

This Fair Credit Reporting Act (FCRA) case, filed pursuant to 15 U.S.C. §§ 1681, et seq., is now before the court on plaintiffs' motion to reconsider this court's decision to grant defendants' motion for summary judgment on July 29, 1977. Plaintiffs have also moved for partial summary judgment.

Plaintiffs raise two entirely new grounds for their assertion that defendants have violated the FCRA, both of which the court concludes are without merit. Plaintiffs contend that defendants failed to adopt procedures to insure that inaccurate entries on a consumer report would be discovered and removed. Specifically, plaintiffs complain that if defendants periodically verified their reports, the incorrect Mathis Dairy item

would have been removed from Mr. Koros' file in 1969 soon after its entry. However, aside from any statute of limitations problem, see Order of July 29, 1977, plaintiffs cannot complain of defendants' failure to remove the false entry before the effective date of the Act, late April, 1971. The false entry was reported and removed from the file a little over a year later. Even if defendant has instituted procedures with the passage of the FCRA whereby it "periodically" verified its files, "at least once every two or three years," as plaintiffs suggest would be appropriate, the error would not have been discovered and rectified as quickly as was done here.

Plaintiffs also complain that the credit code used to incorrectly describe an account in plaintiffs' file was too general a description. The code "I-9" describes an installment account which is either a "bad debt, placed for collection, suit, judgment, bankruptcy or skip." The code indicates nonpayment on an account, but does not specify the outcome of any attempted collection. It is not misleading because it does not pretend to give any more information than that which is provided. The credit code places the customer on notice of a problem, and the customer is expected to pursue the investigation if more detailed information is desired. The code provides for accuracy as far as it goes.

For these reasons plaintiffs' motions for reconsideration and for partial sum-

(Continued)

mary judgment are hereby DENIED.

So ORDERED, this 1st day of November, 1977.

/s/
NEWELL EDENFIELD
United States
District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FRANK KOROS and KATHERINE KOROS	)	CIVIL ACTION
vs.	)	
CREDIT BUREAU, INC. OF GEORGIA d/b/a CREDIT BUREAU OF ATLANTA; RETAIL CREDIT COMPANY: and THE FIRST NATIONAL BANK OF ATLANTA	)	NO. C75-755A

O R D E R

Plaintiffs in this action seek a thirty-day extension of time in which to file notice of appeal from this court's order of November 1, 1977. Since the date of that order plaintiffs have been attempting to find new counsel to handle the appeal, and have as yet been unable to do so. The court finds that this constitutes "excusable neglect" and hereby GRANTS plaintiffs thirty (30) additional days within which to file notice of appeal, Rule 4(a), Fed.R.App.P.

So ORDERED this 30th day of November, 1977.

NEWELL EDENFIELD
United States
District Judge

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 78-1031
Summary Calendar*

FRANK AND KATHERINE KOROS,

Plaintiffs-Appellants,

versus

CREDIT BUREAU, INC. OF GEORGIA,
d/b/a CREDIT BUREAU OF ATLANTA
and RETAIL CREDIT COMPANY,

Defendants-Appellees.

Appeal from the United States
District Court for the
Northern District of Georgia

(July 7, 1978)

Before THORNBERRY, GODBOLD and RUBIN,
Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.[1]